Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the Gazette (gazettal day);

(b) regulations 8 and 10 — on the day that is 4 months after gazettal day;

(c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007.

4. Regulation 55 amended

In regulation 55(1) delete “performance”.

5. Regulation 215 amended

Delete regulation 215(2) and (3) and insert:

(2) Except as provided in subregulation (4), a vehicle used to transport dangerous goods on a road must be licensed under this Part to transport the goods if a tank
with a capacity of more than 500 L forms part of the vehicle.

(3) For the purposes of subregulation (2), a tank does not form part of a vehicle if it is attached to the vehicle.

6. Regulation 216A inserted

After regulation 215 insert:

216A. Some vehicles may be licensed even though not required to be licensed under this Part

(1) Even if a vehicle used to transport dangerous goods on a road is not required to be licensed under this Part, a licensing authority may grant or renew a dangerous goods vehicle licence for the vehicle if satisfied —

(a) the vehicle transports dangerous goods in another State or a Territory; and

(b) the vehicle is required to be licensed under the law of that place to transport the goods in that place; and

(c) a licence under the law of that place to transport the goods in that place would not be granted because the vehicle operates principally in this State.

(2) A licensing authority must not grant or renew a dangerous goods vehicle licence for a vehicle referred to in subregulation (1) unless satisfied a licence under the law of the other State or the Territory to transport the goods in that place would be granted if the vehicle were operating principally in that place.

7. Regulation 221 amended

Delete regulation 221(c) and insert:

(c) states that the medical practitioner examined and passed the applicant in accordance with the set of medical standards described as the commercial standards in Assessing Fitness to Drive for commercial and private vehicle drivers, Fourth Edition 2012, published by Austroads Ltd (ISBN 978-1-921991-01-1).

8. Regulation 225 amended

(1) In regulation 225(2) delete “3 years.” and insert:

5 years.
(2) In regulation 225(5) delete “3 years.” and insert:

5 years.

9. Regulation 227 amended
Delete regulation 227(1)(c) and insert:

(c) states that the medical practitioner examined and passed the applicant in accordance with the set of medical standards described as the commercial standards in *Assessing Fitness to Drive for commercial and private vehicle drivers*, Fourth Edition 2012, published by Austroads Ltd (ISBN 978-1-921991-01-1).

10. Regulation 235 amended
(1) In regulation 235(2) delete “3 years.” and insert:

5 years.

(2) Delete regulation 235(5) and insert:

(5) A dangerous goods vehicle licence is renewed for the period specified in the renewed licence, being a period of not longer than 5 years.

11. Part 23 Division 1 heading inserted
At the beginning of Part 23 insert:

*Division 1 — Provisions for Dangerous Goods (Transport) Act 1998*

12. Regulation 273 amended
In regulation 273 delete “Part —” and insert:

Division —

13. Part 23 Division 2 inserted
At the end of Part 23 insert:
Division 2 — Other provisions

283. Assessing fitness to drive

(1) If a certificate that complies with regulation 221(c) as in force immediately before the date on which the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012 regulation 7 commences is issued within one year after that date, it is taken to be a certificate that complies with regulation 221(c) as in force after that date.

(2) If a certificate that complies with regulation 227(1)(c) as in force immediately before the date on which the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012 regulation 9 commences is issued within one year after that date, it is taken to be a certificate that complies with regulation 227(1)(c) as in force after that date.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.